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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,112	12/11/2001	Harold Aaron Ludtke	SONY 3.0-020	3954
530 7590 03/22/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER HEWITT II, CALVIN L	
			ART UNIT	PAPER NUMBER
			3621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/014,112

Applicant(s)

LUDTKE ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,8-10, 12, 14, 109-114 and 116-123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-10, 12, 14, 109-114, and 116-123 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Status of Claims***

1. Claims 1, 2, 8-10, 12, 14, 109-114, and 116-123 have been examined.

***Response to Amendments/Arguments***

2. Krishnan et al. teach acquiring a credit card number associated with a person without reading the card number from card memory, wherein said card number is the sole account identification number acquired to complete a transaction (figures 14-18; column/line 20/53-21/23).

The following assertion of fact has gone unchallenged by Applicant and is therefore considered admitted prior art: online order forms.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8-10, 12, 14, 109-114, and 116-123 rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al., U.S. Patent No. 6,073,124 in view of Shinn, U.S. Patent No. 6,655,585.

As per claims 1, 2, 8-10, 12, 14, 109-114, and 116-123, Krishnan et al. teach a method and system for effecting a transaction between a person and a provider comprising:

- establishing a communication link over a network between a user communication device and a provider (figures 7 and 10)
- acquiring at a communication device a credit card number without reading the card number from card memory, wherein said card number is the sole account identification number acquired to complete a transaction (figures 14-18; column/line 20/53-21/23) and personal information associated with said card (figure 17; column 10, lines 3-8; column/line 20/53- 21/20)
- automatically (using a computer and the internet) transmitting the credit card number, the personal information and a verification signal (that authorizes the provider to complete the transaction) to a provider after authenticating the transaction at the user communication device (figure 15; column 10, lines 1-8; column 19, lines 35-67; column 21, lines 15-21)

- storing in a database a file comprising a credit card number and personal information and transmitting said file to the provider (figure 17; column 19, lines 35-67; column 21, lines 15-21)
- a verification signal that comprises a code associated with the user (figure 17; column 21, lines 50-61)

However, Krishnan et al. do not explicitly recite using biometrics in order to authenticate the transaction at the user. Shinn teaches generating a unique identification trait (e.g. fingerprint) (column 3, lines 25-39) using a biometric device (e.g. PC, laptop, PDA, ATM, etc. - column 8, lines 25-35) (figure 5; column 8, lines 25-35) and in association with acquiring a credit card number and personal information (abstract; figure 5; column 8, lines 2-25), comparing at the biometric device the generated unique trait with a previously stored trait (abstract; figure 8) and if the two traits match within a specified confidence level authorizing the transaction (abstract; column 8, lines 2-25; column 10, lines 1-13). Regarding a visual or audio indication to the user to provide a biometric sample, it is inherent that such an indication would exist otherwise the user would be able to make purchases without biometric verification a scenario that teaches away from the Shinn invention. Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Krishnan et al. and Shinn in order to prevent unauthorized users (such as users who have inappropriately obtained a

credit card password belonging to another user- '124, figure 15) from making purchases online purchases ('585, column 7, lines 24-29).

As per claim 5, the Examiner takes Official Notice that online order forms are old and well known.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Calvin Hewitt", written over the printed name.

Calvin Loyd Hewitt II  
Primary Examiner

March 17, 2007